

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

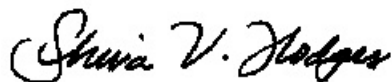
Leroy Terry, #119520,)	C/A No. 1:12-2094-MGL-SVH
)	
Petitioner,)	
)	
vs.)	
)	ORDER
Cecilia R. Reynolds, Warden,)	
)	
Respondent.)	
_____)	

This is an action seeking habeas corpus relief pursuant to 28 U.S.C. § 2254. Petitioner is a prisoner. Therefore, in the event that a limitations issue arises, Petitioner shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to District Court). Under Local Rule 73.02(B)(2) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge. By order dated August 6, 2012, Petitioner was given a specific time frame in which to show cause why his petition should not be dismissed based on the application of the one year limitation period established by 28 U.S.C. § 2244(d). [Entry #6]. Petitioner has not responded to the court's order, and this case is subject to summary dismissal at this time.

TO THE CLERK OF COURT:

The Clerk of Court shall not serve the § 2254 petition upon Respondent because the petition is subject to dismissal.

IT IS SO ORDERED.



September 26, 2012
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge